

STAFF REPORT
July 26, 2012

No. 12PD025 - Final Development Plan to allow an On-Sale Liquor Establishment **ITEM 14**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	OSL - Rapid City, LLC
REQUEST	No. 12PD025 - Final Development Plan to allow an On-Sale Liquor Establishment
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 1 of Gateway Business Park Subdivision located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.123 acres
LOCATION	South of East Mall Drive and west of Outfitter Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	July 2, 2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Final Development Plan to allow an On-Sale Liquor Establishment be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a Building Permit, an Air Quality Construction Permit shall be obtained prior to any disturbance of earth greater than one acre;

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3. Prior to issuance of a Building Permit, all redline comments shall be addressed and all comments shall be returned to Community Planning and Development Services;
4. Prior to issuance of a Building Permit, final construction plans signed and stamped by a professional engineer shall be submitted for review and approval;
5. Prior to issuance of a Building Permit, plans signed and stamped by a professional engineer shall be submitted for review and approval for any retaining wall over 4 feet tall;
6. Prior to issuance of a Building Permit, the applicant shall submit a drainage report signed and stamped by a professional engineer, illustrating that the regional detention facility was designed assuming the impervious percentage for the site and verifying that no quantity control of stormwater is necessary. In addition, the report shall show sizing calculations to verify that the water quality manhole will treat the first 0.5 inches of rainfall;
7. Prior to issuance of a Building Permit, a lighting plan shall be submitted to Community Planning and Development Services for review and approval. All lighting shall be reflected within the property boundaries so as to not shine on adjoining properties and rights-of-way and not to be a hazard to the passing motorist or constitute a nuisance of any kind;
8. Prior to issuance of a Building Permit, revised plans shall be submitted showing that the storm sewer has been removed or relocated outside of the City's utility easement;
9. Prior to issuance of a Building Permit, detail plans for tapping the large diameter sanitary sewer shall be provided;
10. A minimum of 166 parking spaces with 6 of the spaces being handicap accessible shall be provided. One of the handicap spaces shall be "van" handicap accessible;
11. A minimum of 87,610 landscaping points shall be provided and installed to comply with the July 17, 2012 landscaping plan. All landscaping shall be maintained in a live, vegetative state and replaced as required in compliance with the City's adopted Landscape Ordinance;
12. Prior to issuance of a Sign Permit, revised plans shall be submitted showing that the ground sign is located a minimum of ten feet from all property lines. In addition, the applicant shall provide stamped engineered plans for all ground signs. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. Any changes to the original sign package which the Director of Community Planning and Development Services determines is consistent with the original approved sign package shall be allowed as a Minimal Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Development. The addition of electronic signage shall require a Major Amendment to the Planned Commercial Development. A sign permit is required for each sign;
13. Prior to issuance of a Building Permit, revised plans shall be submitted showing an on-site fire hydrant located on the west island located on the south side of the building. In addition, prior to a Certificate of Occupancy, remote address signage near the access point off Outfitter Road shall be provided. Address numbers shall be a minimum of 12 inches high and in contrasting colors. All applicable provisions of the currently adopted International Fire Code shall be continually met;
14. Prior to a Certificate of Occupancy, the private access road shall be constructed according to the plans submitted and approved to the by the Public Works Department;
15. Prior to issuance of a Certificate of Occupancy, access to the water shut-off valve shall be secured through either a dedicated easement or a blanket ingress/egress easement;

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16. The on-sale alcohol use on the property shall comply with the hours/days/holiday restrictions that apply for the type of license secured;
17. All other provisions of the General Commercial District shall be met unless specifically authorized as a stipulation of the original Planned Commercial Development or a subsequent Major Amendment to the Planned Development;
18. This Planned Development shall allow for the construction of an on-sale alcohol establishment in conjunction with a full service restaurant. Uses permitted in the General Commercial District shall be permitted. Conditional Uses in the General Commercial District shall be permitted as a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for a Final Development Plan to allow the construction of a full service restaurant in conjunction with an on-sale liquor establishment on approximately 2.123 acres of land zoned General Commercial District.

The property is located south of East Mall Drive, approximately 250 feet west of the intersection of East Mall Drive and Outfitter Road. The property is void of structural development.

STAFF REVIEW: Staff has reviewed the request for a Final Development Plan and has noted the following considerations:

On-Sale Liquor Establishment: Staff has reviewed the application according to the requirements of Rapid City Municipal Code Chapter 17.50.185 regarding on-sale liquor establishments. The requirements are as follows:

1. *The requested use will not adversely affect the use of any place use for religious worship, school, park, playground or similar use within a 500-foot radius:*

The property is located in a General Commercial District currently undergoing development. Property in the area has developed as a retail store, a hotel, and the Rapid City Visitor's Center. The proposed restaurant is not located within 500 feet of any place of religious worship, school, park, playground, or similar use.

2. *The requested use is sufficiently buffered with respect to residential areas so as not to adversely affect the areas:*

Property to the north, south, east and west are zoned General Commercial District. There are no residentially zoned districts in the vicinity of the proposed use. The requested Final Development Plan will not adversely affect any residential areas.

3. *The proposed use will not create an undue concentration of similar uses, so as to cause blight, deterioration or substantially diminish or impair property values:*

Property in the vicinity of the proposed restaurant is currently developing with commercial uses. The Cambria Suites to the south includes a full-service restaurant with alcohol sales. In addition, Cabela's, an outdoor retailer located to the west, also has a full-service restaurant with alcohol sales. However, the General Commercial District is intended to

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provide a location for the personal and business services and general retail business of the city, including a full-service restaurant with alcohol sales. It does not appear that the proposed use will create an undue concentration of similar uses, so as to cause blight, deterioration, or substantially diminish or impair property values.

4. *The proposed use complies with the standards of 5.12.140 and 17.54.030 of this code:*

The criteria for review of a Conditional Use Permit per Chapter 17.54.030 of the Rapid City Municipal Code are included below. The proposed use complies with the standards of the Code.

Criteria for Review: Rapid City Municipal Code Chapter 17.54.030.E sets the criteria required in reviewing a Conditional Use Permit. In reviewing applications for a Conditional Use Permit, due consideration shall be given to the following:

1. *The location, character, and natural features of the property:*

The property is located on East Mall Drive, approximately 250 feet west of the intersection of East Mall Drive and Outfitter Road. The proposed full service restaurant to be known as "Quaker Steak and Lube" will be a new development on the property.

2. *The location, character, and design of adjacent buildings:*

The area is generally developing as a commercial district with retail shops and services. Light industrial development has been developing to the north. Cabela's is located to the southwest, and the Cambria Suites is located to the south. The Black Hills Badlands and Lakes Visitor's Center is located east of the property.

3. *Proposed fencing, screening, and landscaping:*

A minimum of 82,819 landscaping points are required. The landscaping plans submitted on July 17, 2012 show that 87,610 landscaping points are being provided. Staff recommends that a minimum of 87,610 landscaping points be provided and installed to comply with the July 17, 2012 landscaping plan.

Public Works staff has noted a retaining wall is proposed as part of the development of the property. Retaining walls over 4 feet tall require plans signed and stamped by a professional engineer. As such, prior to issuance of a building permit, plans signed and stamped by a professional engineer must be submitted for all retaining walls on the property over 4 feet tall. If the wall is within the 100 year water surface elevation, hydraulic analysis must be provided.

4. *Proposed vegetation, topography, and natural drainage:*

Public Works staff has noted that the drainage plan was submitted as a part of the original application was not signed and stamped by a professional engineer and did not include some information required for evaluation. As such, prior to issuance of a

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building permit, the applicant must submit a drainage report signed and stamped by a professional engineer, illustrating that the regional detention facility was designed assuming the impervious percentage for the site and verifying that nor quantity control of stormwater is necessary. In addition, the report must show sizing calculations to verify that the water quality manhole will treat the first 0.5 inches of rainfall.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Based on the submitted plans for the restaurant and the Rapid City Parking Ordinance, a total of 105 parking spaces are required. The submitted plans show a total of 166 parking spaces have been proposed for the Planned Development. Staff recommends that a minimum of 106 parking spaces are provided. Plans show that 5 of the provided parking spaces are handicap accessible. Based on the amount of off-street parking being provided, a minimum of 6 handicap accessible parking spaces are required. As such, prior to issuance of a building permit, revised plans must be submitted showing the required amount of handicap accessible parking. The property is being accessed from a private access drive connecting the property to Outfitter Road. The road is classified as a commercial street. Plans have been submitted and approved and surety is currently being held for the construction of the road. Prior to a Certificate of Occupancy, the private access road must be constructed according to the plans approved by the Public Works Department.

Sidewalks are installed along East Mall Drive and Outfitter Road. The applicant is proposing to construct sidewalk along the private access road for internal pedestrian circulation. In addition, sidewalk has been proposed along the eastern lot line of the site, providing additional internal site circulation for pedestrians.

6. *Existing traffic and traffic to be generated by the proposed use:*

A Traffic Impact Study was approved as a part of the original Initial and Final Planned Commercial Development approved for the Cambria Suites located to the south of this property. The Traffic Impact Study included assumptions regarding the full development of the area. The Study assumes that the property considered for this Planned Development application would be developed as a full-service retail or restaurant establishment.

East Mall Drive is classified as a principal arterial street on the City's Major Street Plan, suitable for accommodating the higher traffic volumes associated with a commercial development. The Institute of Transportation Engineers Trip Generation data, calculated by square footage of the establishment, anticipates the restaurant will generate approximately 1,213 trips per weekday, or approximately 1,258 trips on a Sunday. When the Trip Generation data is calculated by the occupancy of the establishment, the restaurant can anticipate approximately 1,643 trips per weekday, or approximately 1,758 trips on a Sunday.

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7. Proposed signs and lighting:

The submitted plans include a sign package with approximately 435 total square feet of signage. The property has approximately 290 lineal feet of street frontage along East Mall Drive. As such, approximately 580 square feet of wall signage is permitted on the property. Plans show that the ground sign located along East Mall Drive is closer than ten feet from the property line. Rapid City Sign Code requires that all ground signs be set back a minimum of ten feet from all property lines or a minimum of ten feet above grade. As such, prior to issuance of a sign permit, revised plans must be submitted showing that the ground sign is located a minimum of ten feet from all property lines. In addition, the applicant must provide engineered stamped plans for all ground signs. All signage must comply with Chapter 15.28 of the Rapid City Municipal Code. Any changes to the original sign package which the Director of Community Planning and Development Services determines is consistent with the original approved sign package may be allowed as a Minimal Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Development. The addition of electronic signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign.

The submitted plans do not include a lighting plan for the property. Prior to issuance of a building permit, a lighting plan must be submitted to Community Planning and Development Services for review and approval. All lighting must be reflected within the property boundaries so as to not shine on adjoining properties and rights-of-way and not to be a hazard to the passing motorist or constitute a nuisance of any kind.

8. The availability of public utilities and services:

The property is served by Rapid City water and sewer services. Public Works staff has noted that submitted plans show that a storm sewer line is located parallel to the sanitary sewer line and within a City easement. Prior to issuance of a building permit, revised plans must be submitted showing that the storm sewer has been removed or relocated outside of the City's utility easement.

The Rapid City Fire Department has noted that prior to issuance of a building permit, revised plans must be submitted showing an on-site fire hydrant located on the west island located on the south side of the building. In addition, prior to a Certificate of Occupancy, remote address signage near the access point off Outfitter Road must be provided. Address numbers must be a minimum of 12 inches high and in contrasting colors. All applicable provisions of the currently adopted International Fire Code must be continually met. Please refer to Tim Behlings of the Rapid City Fire Department at (605)394-5233 for more information.

9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:

The Future Land Use designation for this property is commercial. The property is zoned General Commercial District with a Planned Development. The proposed use on the

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property complies with the Comprehensive Plan and the Zoning Ordinance.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

Submitted plans show that the property meets all the setback requirements of the General Commercial District. In addition, the proposed structure is one story tall and approximately 9,539 square feet of space. The site is approximately 2.12 acres. As such, lot coverage on the property is approximately 10.33 percent. The property meets all the land use regulations of the General Commercial District.

11. *The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientations:*

The proposed use does include a patio where food and drink will be served. The Planned Development will allow for the use of a full service restaurant with the sale and service of alcohol. The landscaping plan shows that the area around the patio will be fully landscaped. It does not appear that the request will create excessive noise, odor, smoke, dust, air, or water pollution.

12. *The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

The on-sale alcohol use on the property must comply with the hours/ days/ holiday restrictions that apply for the type of license secured. The stipulations of approval of this Planned Development will serve as the tool to ensure that the proposed use will maintain parking, sufficient buffering from neighboring business, and not create additional light or noise that may have an adverse impact on adjacent uses.

Public Works Comments: Public Works staff has noted that access to the water shut-off valve must be secured through a specific dedicated easement or an ingress/egress easement. As such, prior to issuance of a Certificate of Occupancy, access to the water shut-off valve must be secured through either a dedicated easement or a blanket ingress/egress easement. In addition, Public works staff has noted that details for tapping the large diameter sanitary sewer main have not been provided. Prior to issuance of a building permit, detail plans for tapping the large diameter sanitary sewer main must be provided.

Prior to issuance of a Building Permit, all redline comments must be addressed and all comments must be returned to Community Planning and Development Services.

Notification Requirements: The required sign has been posted on the property. As of this writing, the green cards and white receipts required as proof of the certified mailing have not been returned to Community Planning and Development Services. Staff will notify the Planning Commission at the July 26, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into this request.